IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Bruynsteen

Confirmation No.: 6741

Serial No.: 10/613,967

Group Art Unit: 2623

Filed: July 3, 2003

Examiner: Beliveau

Title: Business Model For Leasing Storage
Space On A Digital Recorder

Docket No.: US000052A
(PHIL-0258)

REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2213-1450

Sir:

Applicant has considered the Office Action mailed on August 24, 2006. Claims 21-31 and 33-40 are pending in the present patent application. Applicant requests further examination and reconsideration of the present patent application.

In the Office Action the Examiner maintains the rejection of claims 21-31 and 33-40 under 35 USC §103(a) as being unpatentable over Levin et al. (US Patent No. 6,654,546) in view of Nishio et al. (US Patent No. 6,345,388). Applicant respectfully traverses the §103(a) rejection of the present patent application and requests that the Examiner reconsider the rejection of claims 21-31 and 33-40 over the combination of Levin et al. (hereinafter Levin) in view of Nishio et al. (hereinafter Nishio) in view of the following remarks.

As mentioned previously, independent claims 21, 30 and 34 of the present patent application each recite, *inter alia*, the limitation that the adjustment of quality is based on a change to software that controls a rendering circuit.

In the Office Action the Examiner submitted that the renderer of Nishio changes its operation based upon a change to a variable, i.e., the decoding coefficient control signal 104. The Examiner believes that this change to the decoding coefficient control signal encompasses a change to software as recited in claims 21, 30 and 34. Applicant does not concur and submits that Nishio is not making a change to the decoding coefficient control signal 104 and therefore is not making a change to the software.

Nishio teaches that a system decoder 10 receives a MPEG2-System stream 100 as input. The system decoder 10 analyzes the MPEG2-System stream 100 and extracts accounting information 102 and a MPEG2-Video stream 103 from the MPEG2-System stream 100. An accounting control unit 12 receives the extracted accounting information 102 and the user requested accounting level 101 and outputs the decoding coefficient control signal 104. A MPEG2-Video decoder 11 receives the MPEG2-Video stream 103 and the decoding coefficient control signal 104 and performs an orthogonal transform on the video stream to generate a video signal output 107 (see FIG. 1 and col. 4. line 28 through col. 5, line 10).

Applicant submits that none of these operations performed in Nishio are equivalent to making a change to software that controls a rendering circuit as recited in independent claims 21, 30 and 34. Even if one were to interpret this claim limitation as broadly as the Examiner, Applicant does not believe Nishio is making a change to the decoding coefficient control signal 104 that would correspond to a change to software. Nishio only performs functions such as analyzing the MPEG2-System stream 100, extracting accounting information 102 and the MPEG2-Video stream 103, outputting the decoding coefficient control signal 104, performing an orthogonal transform on the MPEG2-Video stream 103 and generating the video signal output 107. None of these functions performed by Nishio encompass making changes which would entail a change to software that controls a rendering circuit as recited in claims 21, 30 and 34.

In view of these remarks and other distinctions raised in previous communications, Applicant submits that claims 21, 30 and 34 of the present patent application are patentably distinguishable over the combination of Levin in view of Nishio. Claims 22-29; 31, 33; and 35-40 depend from presumably allowable claims 21, 30 and 34, respectively, and thus Applicant submits that these claims are allowable by dependency. Accordingly, Applicant requests that the Examiner reconsider and remove the §103(a) rejection and allow claims 21-31 and 33-40.

If the Examiner has any questions regarding the present patent application, the Examiner can call Applicant's attorney, David C. Goldman, at telephone number (518)-449-0044.

Respectfully submitted,

David C. Goldman
Attorney for Applicant
Registration No. 34,336

Dated: November 20, 2006

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
Phone: (518)-449-0044
Fax: (518)-449-0047